

ORDINANCE NO. 98 - 58

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE ATLAS (FLUA) FOR **98-81 COM 1 (SHOPPES OF SHERBROOKE)**, MODIFYING PAGE 81 OF THE FLUA BY CHANGING A PARCEL OF LAND APPROXIMATELY 4.0 ACRES GENERALLY LOCATED APPROXIMATELY 367' SOUTH OF THE SOUTHEAST CORNER OF THE INTERSECTION OF LANTANA AND LYONS ROAD, FROM LOW RESIDENTIAL, 2 UNITS PER ACRE (LR-2) TO COMMERCIAL LOW WITH AN UNDERLYING 2 UNITS PER ACRE (CL/2); PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS, the Palm Beach County Local Planning Agency conducted a public hearing on June 19, June 26, and July 10, 1998 to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on July 15, 1998 to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners authorized transmittal of proposed

1 amendments to the Department of Community Affairs for review and
2 comment pursuant to Chapter 163, Part II, Florida Statutes; and

3 **WHEREAS**, Palm Beach County received on, October 7, 1998 the
4 Department of Community Affairs "Objections, Recommendations, and
5 Comments Report," dated October 1, 1998, which was the Department's
6 written review of the proposed Comprehensive Plan amendments; and

7 **WHEREAS**, the written comments submitted by the Department of
8 Community Affairs contained no objections to the amendments contained
9 in this ordinance;

10 **WHEREAS**, on December 2, 1998, the Palm Beach County Board of
11 County Commissioners held a public hearing to review the written
12 comments submitted by the Department of Community Affairs and to
13 consider adoption of the amendments; and

14 **WHEREAS**, the Palm Beach County Board of County Commissioners has
15 determined that the amendments comply with all requirements of the
16 Local Government Comprehensive Planning and Land Development Regulation
17 Act.

18 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**
19 **COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**

20 **Part I. Amendments to the Future Land Use Atlas of the Land Use**
21 **Element of the 1989 Comprehensive Plan**

22 The following amendment to the Land Use Element's Future Land Use
23 Atlas is hereby adopted and is attached to this Ordinance as Exhibit 1:

24 **A. Future Land Use Atlas page 81 is amended as follows:**

25 **Application No.:** 98-81 COM 1 (Shoppes of Sherbrooke)

26 **Amendment:** From Low Residential, 2 units per acre (LR-
27 2) to Commercial Low with an underlying 2
28 units per acre (CL/2);

29 **General Location:** Approximately 367' south of the southeast
30 corner of the intersection of Lantana and
31 Lyons Road;

1 **Size:** approximately 4.0 acres.

2 **Part II. Repeal of Laws in Conflict**

3 All local laws and ordinances applying to the unincorporated area
4 of Palm Beach County in conflict with any provision of this ordinance
5 are hereby repealed to the extent of such conflict.

6 **Part III. Severability**

7 If any section, paragraph, sentence, clause, phrase, or word of
8 this Ordinance is for any reason held by the Court to be
9 unconstitutional, inoperative or void, such holding shall not affect
10 the remainder of this Ordinance.

11 **Part IV. Inclusion in the 1989 Comprehensive Plan**

12 The provision of this Ordinance shall become and be made a part
13 of the 1989 Palm Beach County Comprehensive Plan. The Sections of the
14 Ordinance may be renumbered or relettered to accomplish such, and the
15 word "ordinance" may be changed to "section," "article," or any other
16 appropriate word.

17 **Part V. Effective Date**

18 The effective date of this plan amendment shall be the date a
19 final order is issued by the Department of Community Affairs or
20 Administration Commission finding the amendment in compliance in
21 accordance with Section 163.3184, Florida Statutes, whichever occurs
22 earlier. No development orders, development permits, or land uses
23 dependent on this amendment may be issued or commence before it has
24 become effective. If a final order of noncompliance is issued by

1 the Administration Commission, this amendment may nevertheless be
2 made effective by adoption of a resolution affirming its effective
3 status, a copy of which resolutions shall be sent to the Department
4 of Community Affairs, Bureau of Local Planning, 2555 Shumard Oak
5 Boulevard, Tallahassee, Florida 32399-2100.

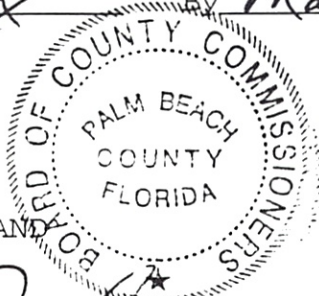
6 **APPROVED AND ADOPTED** by the Board of County Commissioners of
7 Palm Beach County, on the 2 day of December, 1998.

8 ATTEST:
9 DOROTHY H. WILKEN, Clerk

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS

10 By: Joan Hawing
11 Deputy Clerk

By: Mande Ford Lee
Chair



12 APPROVED AS TO FORM AND
13 LEGAL SUFFICIENCY

14 [Signature]
15 COUNTY ATTORNEY

16 Filed with the Department of State on the 9th day
17 of December, 1998.

18 A:\SHOPPE-1.WPD

EXHIBIT 1

A. Future Land Use Atlas page 81 is amended as follows:

Amendment No.: 98-81 COM 1 (Shoppes of Sherbrooke)

Location: Approximately 367' south of the southeast corner of the intersection of Lantana and Lyons Road

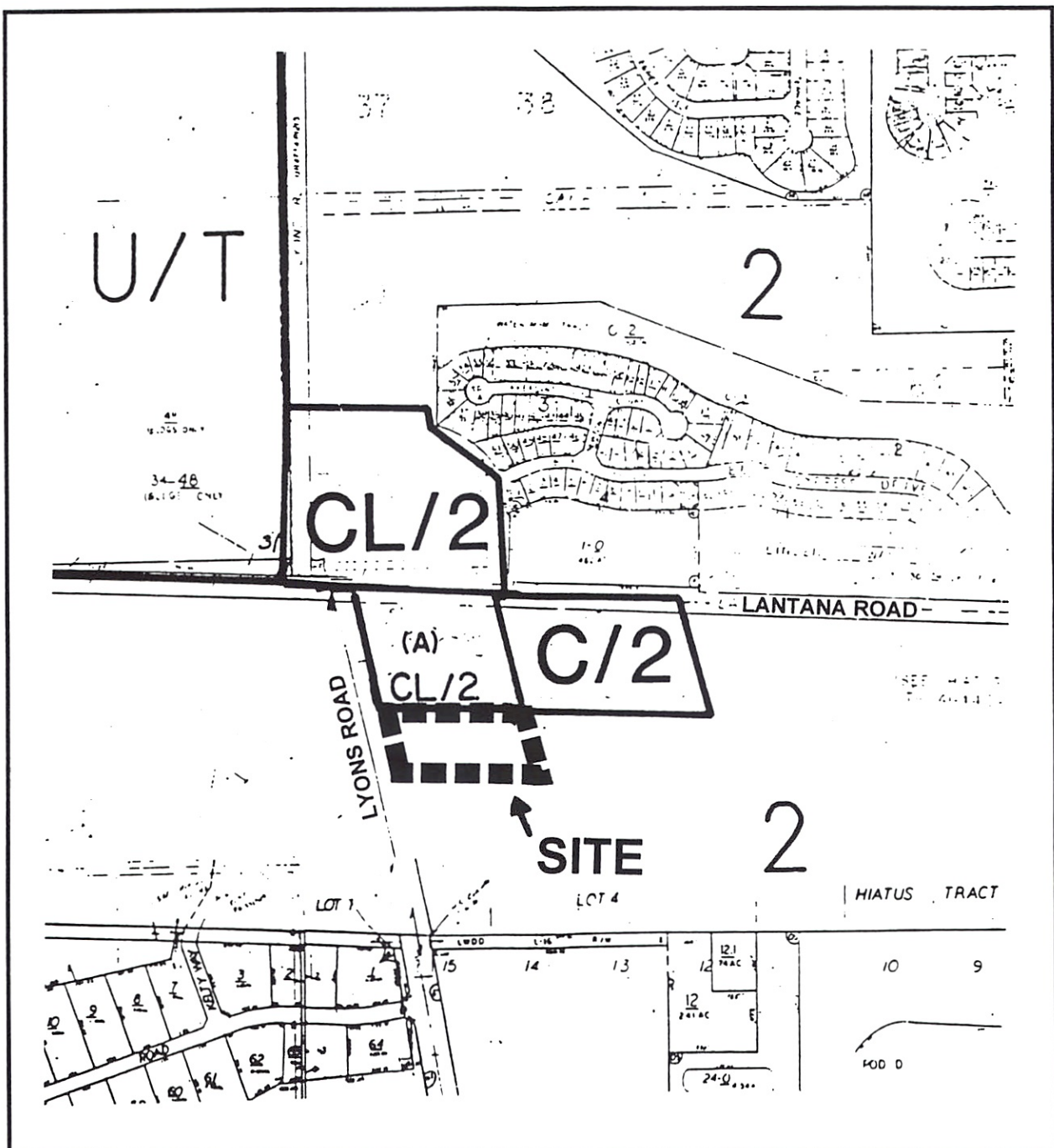
Size: 4.0 acres

Original FLU: Low Residential, 2 units per acre (LR-2)

Adopted FLU: Commercial Low with an underlying 2 units per acre (CL/2)

Property No.: 00-42-44-41-00-041-0042 (a portion only)
00-42-44-42-00-042-0011

Legal Description: See attached



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Legal Description:

A PORTION OF LOT 4, TRACT 41, HIATUS OF TOWNSHIP 44 ½ SOUTH, RANGE 42 EAST OF THE PALM BEACH FARMS COMPANY PLAT NO. 13, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 6, PAGES 98 AND 99 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, TOGETHER WITH A PORTION OF LEXINGTON I OF SHERBROOKE, P.U.D., ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 32, PAGES 195 THROUGH 198 OF PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 4, TRACT 41 HIATUS OF TOWNSHIP 44 ½ SOUTH, RANGE 42 EAST; THENCE S 13°03'06" E ALONG THE WEST LINE OF SAID LOT 4, TRACT 41, A DISTANCE OF 491.35 FEET TO AN INTERSECTION WITH A LINE 460.50 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID LOT 4, TRACT 41; THENCE S 88°04'06" E, ALONG SAID PARALLEL LINE 588.60 FEET TO THE EAST LINE OF THE WEST 568.59 FEET A DISTANCE OF 253.83 FEET TO AN INTERSECTION WITH A LINE 705.70 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID LOT 4, TRACT 41; THENCE N 88°04'06" W, ALONG SAID PARALLEL LINE 680.05 FEET TO A POINT OF INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE OF LYONS ROAD AS SHOWN ON SAID LEXINGTON I OF SHERBROOKE, P.U.D.; SAID POINT ALSO BEING ON THE ARC OF A NON-TANGENT CURVE CONCAVE TO THE SOUTHWEST (RADIAL LINE TO SAID POINT BEARS S 64°01'10" W); THENCE NORTHWESTERLY ALONG SAID RIGHT-OF-WAY LINE AND THE ARC OF SAID CURVE, HAVING A RADIUS OF 3,061.80 FEET, A CENTRAL ANGLE OF 01°31'07" AND AN ARC DISTANCE OF 81.15 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE, CONCAVE TO THE NORTHEAST; THENCE CONTINUE NORTHWESTERLY ALONG SAID RIGHT-OF-WAY LINE AND THE ARC OF SAID CURVE, HAVING A RADIUS OF 1,082.79 FEET, A CENTRAL ANGLE OF 10°07'17" AND AN ARC DISTANCE 191.28 FEET TO A POINT OF INTERSECTION WITH A LINE 460.50 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID LOT 4, TRACT 41 (RADIAL LINE TO SAID POINT BEARS S 72°37'20" W); THENCE S 88°04'06" E ALONG SAID PARALLEL LINE 143.58 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING AND SITUATE IN PALM BEACH COUNTY, FLORIDA, CONTAINING 174,243 SQUARE FEET, 4.00 ACRES. MORE OR LESS.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on 12/2/98
DATED at West Palm Beach, FL on 12/30/98
DOROTHY H. WILKEN, Clerk
By: Thelma A. House D.C.